

# North American Free Trade Agreement (NAFTA)

Respondents argue that NAFTA's detailed provisions concerning trade with Mexico in CTVs were carefully negotiated and enacted to address the circumvention concerns of the U.S. industry. Consequently, they argue, NAFTA and its implementing legislation is the exclusive scheme by which to protect the domestic CTV industry from circumvention, through Mexico, of the antidumping order on CTVs from Korea. They assert that a circumvention inquiry would unilaterally change these painstakingly crafted provisions.

To the contrary, section 1901:3 of the NAFTA explicitly provides that nothing in other chapters should be construed as creating obligations that affect any party's unfair trade statutes. Moreover, nothing in the NAFTA implementing statute states that the anticircumvention provisions have been superseded by the NAFTA rules of origin on CTVs. A review of the history and purpose of those rules demonstrates that they were not intended to supplant the circumvention provisions of the Act.

In 1990, the U.S. industry requested an inquiry regarding alleged circumvention of the U.S. antidumping orders on CPTs through Mexico. Based on the statutory criteria then in existence, the Department reached a negative determination. Color Picture Tubes from Canada, Japan, Republic of Korea and Singapore; Negative Determinations of Circumvention of Antidumping Duty Orders, 55 FR 52036, (December 19, 1990) (preliminary); 56 FR 9667, (March 7, 1991) (final). Although the NAFTA rules of origin are rules of preference, not anticircumvention provisions, the rules (and the related monitoring provisions) were designed with the circumvention problem in mind. When passing the NAFTA implementing legislation, Congress, mindful of the deficiencies in the anticircumvention provisions of the law at the time, expressed its "expectation that [the monitoring provisions] will give the Administration the tools necessary to ensure that any circumvention that is occurring within NAFTA countries will cease." S. Rep. No. 103-189, 103rd Cong., 1st Sess. 25 (1993). Thus, it was intended that the NAFTA rules of preference and monitoring provisions would succeed where the existing anticircumvention law had proven inadequate.

After the implementation of NAFTA, the anticircumvention provisions of the Tariff Act were amended by the URAA. Those amendments improved the

provisions on assembly in third countries by focusing on the nature of the process in the third country and the portion of total value represented by parts and components from the country subject to the antidumping order. Similarly, the NAFTA rules of preference were tightened to promote significant manufacturing and value added in Mexico. Thus, although the NAFTA rules of preference are distinct from the anticircumvention provisions, they may operate in specific cases such that compliance with the rules of origin for NAFTA preferences may make it impossible as a factual matter to meet the circumvention criteria of section 781 of the Act, as amended. It is, therefore, appropriate to explore as a threshold matter whether imports of CTVs that satisfy the NAFTA rules of origin could constitute circumvention. We will be establishing at the outset of this inquiry a schedule for questionnaires and comments on this issue.

This notice is published in accordance with Section 781(b) of the Act (19 U.S.C. 1677j(b)) and 19 CFR 353.29.

Dated: December 15, 1995.  
Susan G. Esserman,  
*Assistant Secretary for Import Administration.*  
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## [A-588-707]

### Granular Polytetrafluoroethylene Resin From Japan; Termination of Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of termination of antidumping duty administrative review.

**SUMMARY:** On October 12, 1995, the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on granular polytetrafluoroethylene (PTFE) resin from Japan. The review period was August 1, 1994, through July 31, 1995. We are now terminating that review.

**EFFECTIVE DATE:** January 19, 1996.

**FOR FURTHER INFORMATION CONTACT:** Charles Riggle or Michael Rill, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4733.

## SUPPLEMENTARY INFORMATION:

### Background

On August 31, 1995, Du Pont de Nemours & Company (Du Pont), a domestic producer of PTFE resin, requested that the Department conduct an administrative review of the antidumping duty order on granular PTFE resin from Japan with respect to one manufacturer/exporter, Daikin Industries, Ltd. and Daikin America, Inc. (collectively Daikin). The review period is August 1, 1994, through July 31, 1995.

On October 12, 1995, the Department published in the Federal Register (60 FR 53164) a notice of initiation of an administrative review of the order with respect to Daikin and the period August 1, 1994, through July 31, 1995. On October 18, 1995, Du Pont withdrew its request for a review and requested that the review be terminated.

The Department's regulations at 19 CFR 353.22(a)(5) (1994) state that "the Secretary may permit a party that requests a review under paragraph (a) of this section to withdraw the request no later than 90 days after the date of publication of notice of initiation of the requested review. The Secretary may extend this time limit if the Secretary decides that it is reasonable to do so." The withdrawal of the request for review was made within 90 days of the notice of initiation. Because there were no requests for review from other interested parties, we are terminating this review.

This notice serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning disposition of proprietary information disclosed under APO in accordance with section 353.34(d) of the Department's regulations. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is in accordance with section 353.22(a)(5) of the Department's regulations (19 CFR 353.22(a)(5)).

Dated: December 6, 1996.  
Joseph A. Spetrini,  
*Deputy Assistant Secretary for Compliance.*  
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